

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

EDDIE LEE THOMPSON,

Plaintiff,

v.

Case Number 10-10233

Honorable David M. Lawson

ALLEN J. NELSON, PETER ANASTOR,  
VALDEMAR WASHINGTON, GEOFFREY  
L. NEITHERCUT, ARCHIE L. HAYMAN,  
DUNCAN M. BEAGLE, CHAD C.  
SCHMUCKER,

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATION**  
**AND DISMISSING COMPLAINT**

Presently before the Court is the report issued on October 12, 2010 by Magistrate Judge R. Steven Whalen pursuant to 28 U.S.C. § 636(b). Judge Whalen recommended dismissing with prejudice the plaintiff's complaint pursuant to 28 U.S.C. § 1915(e)(2)(B). Judge Whalen notes that certain defendants have judicial immunity or immunity under the Eleventh amendment, that the plaintiff has failed to pursue post-conviction remedies for challenging his conviction, and that the federal court does not have jurisdiction to review state court judgments in domestic relations cases.

The magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report. The plaintiff sought an extension of this deadline until November 15, 2010. However, as of the date of this order, no objections have been filed. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report

releases the Court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the Magistrate Judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt # 121] is **ADOPTED**.

It is further **ORDERED** that the plaintiff's complaint [dkt. #1] is **DISMISSED WITH PREJUDICE**.

s/David M. Lawson  
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DAVID M. LAWSON  
United States District Judge

Dated: November 23, 2010

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on November 23, 2010.

s/Deborah R. Tofil  
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DEBORAH R. TOFIL